

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                |   |                            |
|--------------------------------|---|----------------------------|
| In re Application of           | ) |                            |
|                                | ) |                            |
| NALLUR et al.                  | ) | Art Unit: 1637             |
|                                | ) |                            |
| Application No. 09/910,383     | ) | Examiner: Heather Calamita |
|                                | ) |                            |
| Filing Date: July 20, 2001     | ) | Confirmation No. 2312      |
|                                | ) |                            |
| For: GENE EXPRESSION PROFILING | ) |                            |

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. §41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 13, 2006 finally rejecting claims 1-62, 68-76 and 82-87.

The item(s) checked below are appropriate:

- ☒ An extension of time to respond to the final rejection:
  - ☐ was obtained for \_\_\_\_ ( ) month(s).
  - ☒ is requested herewith under 37 C.F.R. § 1.136.


**ATTORNEY DOCKET NO. 13172.0007U1**  
**APPLICATION NO. 09/910,383**

2. Payment in the amount of \$475.00 for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:
- ☒ Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$250.00 (Small Entity).
- ☒ Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(2) = \$225.00 (Small Entity).
3. ☐ Enclosed is a Pre-Appeal Brief Request for Review and \_\_\_\_ sheets of reasons.

A Credit Card Payment authorizing payment in the amount of \$475.00, representing \$225.00 for the fee for a small entity under 37 C.F.R. § 1.17(a)(1) and \$250.00 for the fee for a small entity under 37 C.F.R. § 41.20(b)(1); a Request for Extension of Time; and an Amendment and Response to Office Action are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

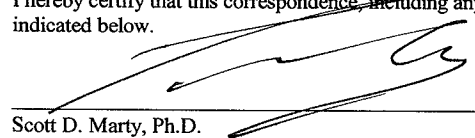
  
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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted by EFS-WEB on the date indicated below.

  
\_\_\_\_\_  
Scott D. Marty, Ph.D.

  
\_\_\_\_\_  
Date